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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Assistance to unaccompanied refugee minors

Report of the Secretary-General

Summary

In its resolution 58/150, the General Assembly noted the efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) and other organizations to protect and assist unaccompanied refugee minors, bearing in mind that those refugees were among the most vulnerable and the most at risk of neglect, violence, forced military recruitment, sexual assault, abuse and vulnerability to infectious disease, and therefore required special assistance and care. The Assembly requested the Secretary-General to report at its sixtieth session on implementation of the resolution and to give special attention in his report to the girl-child refugee. This report provides information on action taken in respect of those concerns in the two-year period since the last report and includes information provided by UNHCR, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and other organizations.

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Contents

		Paragraphs	Page
I.	Introduction		
II.	A rights-based approach		
	A. Convention on the Rights of the Child		
	B. Action for the Rights of Children		
	C. Separated Children in Europe Programme		
III.	Global priority issues relating to refugee children		
	A. Separation from families and caregivers		
	B. Military recruitment		
	C. Sexual exploitation, abuse and violence		
	D. Education		
	E. Specific protection concerns of unaccompanied and separated adolescent girls and boys		
IV.	Other concerns and challenges		
	A. Specific protection needs of unaccompanied girls and boys in care		
	B. Trafficking		
	C. Internally displaced girls and boys		
	D. HIV and AIDS		
	E. Building networks and partnerships		
	F. Registration		
	G. Detention		
	H. Follow-up to evaluations		
V.	Conclusion		

graphs Page
1–3 3
4–14 3
4–7 3
8–11 4
2–14 5
5–43 6
5–22 6
3–27 8
8–32 9
3–39 10
0–43 11
4–71 12
4–71 12
0–54 14
5–58 15
59 15
0–63 16
4–67 16
68 17
9–71 18
2–75 18

I. Introduction

1. In the turmoil of conflict and flight children are at an increased risk of becoming separated from their families and caregivers. "Unaccompanied children" (also referred to as "unaccompanied minors") are girls and boys under 18 years of age who are separated from both parents and are not being cared for by an adult who by law or by custom is responsible for doing so. However, there are also children who are accompanied by extended family members, but have been separated from both parents or from their previous legal or customary primary caregiver. These separated children face risks similar to those of unaccompanied children, and their protection needs also require priority attention.

2. Unaccompanied and separated girls and boys are entitled to international protection under international human rights law, international refugee law, international humanitarian law and various regional instruments. They often require immediate protection and assistance, most notably against military recruitment; sexual exploitation, abuse and violence; forced labour; irregular adoption; trafficking; discrimination; and lack of access to education and recreational activities. Both girls and boys are at risk, but girls are often the principal targets of sexual exploitation, abuse and violence and are often more disadvantaged than boys in terms of access to education.

3. The Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and other organizations working in the field share common aims: to prevent separation whenever possible; to identify, register and document both unaccompanied and separated girls and boys; to trace and reunify them with their families in a timely manner, if that is in the best interests of the child; and to ensure that they receive the necessary protection and care, taking into account the specific needs of each child according to age, gender and background, as well as the overall goal of finding durable solutions.

II. A rights-based approach

A. Convention on the Rights of the Child

4. The 1989 Convention on the Rights of the Child and its Optional Protocols of 2000, in conjunction with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as other relevant international and regional instruments, constitute the normative framework on which UNHCR and other organizations base their international protection and assistance activities for refugee girls and boys and for other displaced children.

5. The two Optional Protocols to the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,[1] entered into force on 12 February 2002 and 18 January 2002, respectively. As of end July 2005, 117 States had signed and 101 States ratified the former Optional Protocol, and 111 States had signed and 95 ratified the latter.

6. UNHCR and the Committee on the Rights of the Child have established a mechanism for exchange of information and views on issues relating to displaced children, in particular refugee and stateless children, and UNHCR contributed

comprehensively to the drafting of general comment No. 6 (CRC/GC/2005/6) on the "Treatment of unaccompanied and separated children outside their country of origin" adopted by the Committee on 3 June 2005. The general comment draws attention to the particularly vulnerable situation of these children; it outlines the multifaceted challenges faced by States and other actors in ensuring that such children are able to access and enjoy their rights; and provides guidance on the protection, care and proper treatment of these children based on the entire legal framework provided by the Convention, with particular reference to the principles of non-discrimination, the best interests of the child and the right of the child to express his or her views freely.

7. Over the past two years, UNHCR has invested considerable effort in the process of more closely aligning programmes both in the field and at Headquarters with its Agenda for Protection,[2] a programme of action to improve the protection of people of concern to UNHCR that was welcomed by the General Assembly in its resolution 57/187 of 18 December 2002. The Agenda addresses the protection of refugee children under goal 6 of the Programme of Action, "Meeting the protection needs of refugee women and refugee children". The specific needs of unaccompanied and separated refugee children during asylum procedures are highlighted, as are the need to arrange for their temporary placement in foster families or for the appointment of State or non-State guardians and to monitor such arrangements. A number of guidelines are currently being developed pursuant to the Agenda, including on family unity in the refugee protection context, on age-related persecution and on the eligibility of victims of trafficking for refugee status.

B. Action for the Rights of Children

8. Action for the Rights of Children (ARC), a rights-based inter-agency training and capacity-building initiative that includes UNHCR, the International Save the Children Alliance, UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR), is designed to increase the capacity of United Nations organizations, governmental and non-governmental organizations (NGOs) and, in some instances, refugees themselves, to protect and care for children, from emergencies through to the durable solutions phase. ARC plays an important role in disseminating information on experience gained in protecting and assisting unaccompanied and separated children in the field. Its comprehensive resource materials include a module that focuses specifically on this topic.[3] In 2004 this module was revised to reflect the publication of the *Inter-agency Guiding Principles on Unaccompanied and Separated Children*. Training material has been translated into French, Spanish, Arabic, Portuguese, Dari and Thai.

9. The coordination role of the Save the Children Alliance continued through to mid-2005 and is currently being reviewed as part of an evaluation commissioned by the ARC Management Group in order to analyse the relevance and impact of ARC. The evaluation will assess the overall effectiveness of the capacity-building approach to child protection and define how and where to place the programme beyond 2005.

10. The inter-agency regional ARC steering committees in West and Southern Africa and in the East, the Horn and the Great Lakes region of Africa remained active in the reporting period. In those regions, the UNHCR Senior Regional

Advisers for Refugee Women and Children, in collaboration with their counterparts at UNICEF and the International Save the Children Alliance, provided technical support, monitoring and follow-up on child-related activities. The steering committees were integrated into larger child protection networks with a broader scope and membership, which have enhanced information-sharing and awareness-raising in the area of child protection and improved inter-agency collaboration at the country level.

11. A range of ARC activities have continued throughout the world, including, notably, in Burundi, Sierra Leone and Zambia. An inter-agency and cross-border child protection workshop was held in Rwanda in 2004 which brought together staff from UNHCR, UNICEF, Save the Children (UK) and implementing partners from Rwanda and the Democratic Republic of the Congo. The main focus of the training was unaccompanied and separated children and child recruitment. This was followed up with further inter-agency training and action planning in Rwanda in the first half of 2005. A series of child-protection workshops were held in Afghanistan, the Occupied Palestinian Territory, the Americas region and Thailand, focusing on issues relating to unaccompanied girls and boys. ARC training was also organized for Save the Children Norway and Sweden standby roster members, and for the staff of several organizations in Geneva and Stockholm, the last one focusing on separated children.

C. Separated Children in Europe Programme

12. The Separated Children in Europe Programme (SCEP), a regional European network, was established in 1997 as a response to the situation of unaccompanied and separated children in Europe and seeks to improve this through research, policy analysis and advocacy at the national and regional levels. SCEP was initiated by UNHCR and the International Save the Children Alliance based on the complementary mandates and areas of expertise of the two organizations. Its membership includes the 25 European Union (EU) countries as well as Bulgaria, Croatia, Norway and Switzerland. UNHCR also cooperates with other networks, such as le Réseau euro-méditerranéen pour la protection des mineurs isolés (REMI) and the Council of the Baltic Sea States which has an expert group on children.

13. The SCEP Statement of Good Practice was revised in 2004 and continues to provide policies and practices required to implement and protect the rights of separated children in Europe. The Statement is principally informed by the Convention on the Rights of the Child and the UNHCR Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum (February 1997) and the European Council on Refugees and Exiles (ECRE) Position on Refugee Children (November 1996). It has been translated into several regional and national languages. Information and material gathered through SCEP are available on the SCEP website.[4] In addition, a bimonthly SCEP newsletter is produced by Save the Children.

14. The SCEP network actively contributed to the drafting of recommendation 1703 (2005) on protection and assistance for separated children seeking asylum, which was adopted on 28 April 2005 by the Parliamentary Assembly of the Council of Europe. In the recommendation the Assembly recommended that the Committee of Ministers urge member States to refrain from refusing entry to their territories to

separated children, to ensure the appointment of legal guardians, to allow the detention of separated children only as a last resort and to grant humanitarian residence permits to children who have been subjected to child-specific forms of persecution and who are not recognized as refugees.

III. Global priority issues relating to refugee children

A. Separation from families and caregivers

15. Unaccompanied and separated girls and boys face an increased risk of military recruitment, sexual exploitation, abuse and violence, trafficking, discrimination, forced labour and lack of access to education and recreational activities. In addition to the losses and violence experienced by all children in emergencies, separated girls and boys also suffer the sudden loss of those people most important to them. Their psychosocial well-being is just as important as their physical health. Immediate protection and assistance are therefore required, using a two-pronged approach, within a rights- and community-based framework, with targeted actions, and solidly premised on mainstreaming gender equality, age sensitivity and diversity. This approach includes active participation of refugee women, men, girls and boys of diverse backgrounds.

16. Family tracing and reunification have been emphasized and promoted as the most important long-term solution for unaccompanied and separated refugee children by UNHCR, UNICEF and other United Nations bodies, the International Committee of the Red Cross (ICRC), the International Rescue Committee (IRC), Save the Children, NGOs and other partners. The core principle is family reunification, provided it is in the best interests of the child as verified by suitably qualified staff.

17. Close cooperation with other organizations and Governments in countries of asylum and of return is crucial for positive tracing and reunification results. For example, in Indonesia and Timor-Leste, over a period of five years, UNHCR assisted with the family reunification of over 2,350 separated children and the local integration of another 1,100 children in accordance with their best interests. At the end of 2004, responsibility for following up on the separated children's programme was handed over to national authorities in Indonesia and Timor-Leste. In Europe, cross-border tracing of the family is usually undertaken in cooperation with ICRC, upon consent of the unaccompanied and separated child. Family reunification remains a major issue in Europe as Governments are putting in place more restrictive policies for family reunification, especially for adolescents or for family members of persons with complementary protection status.

18. Problems can occur once children are reunited with their families. Many children return to a very poor environment, as many parents have no regular income during or after a conflict situation and may live in very remote areas. This is, for example, the case for many returnees in Afghanistan, as the education, health care and job opportunities were often better in their country of asylum.

19. Family tracing sometimes results in placing the child with relatives with whom the child may have had only limited previous contact. It is therefore important to

provide follow-up for children who have been reunited with their family or extended family and to identify which organization will be responsible for that task.

20. The prevention of separation continued to be highlighted in UNHCR repatriation operations in Afghanistan, Angola, Burundi, the Democratic Republic of the Congo, Ethiopia, Guinea, Liberia, Pakistan, Rwanda, Sierra Leone, Somalia, the United Republic of Tanzania and Zambia. Preventive measures were taken both in countries of asylum and countries of origin, and protection and care mechanisms were put in place to meet the specific needs of unaccompanied and separated girls and boys, before, during and upon their return. In West Africa, an inter-agency subregional Forum covering Côte d'Ivoire, Guinea, Liberia and Sierra Leone has been established to address cross-border child protection issues, particularly unaccompanied and separated children. In Southern Africa, UNHCR, UNICEF and Save the Children (UK) developed a Child Protection Operational Toolkit for Voluntary Repatriation.

21. Resettlement is sought when repatriation and local integration are considered impossible within an acceptable time frame. If the child's family or siblings have been identified in a third country, family reunification is sought through resettlement. However, some Governments do not grant entry to even an immediate family member of a refugee as part of a family reunification. UNHCR and other partners have continued to advocate changing such practices or finding other solutions in such cases. An assessment of the well-being of young Sudanese men resettled to the United States in 2000 concluded that the unaccompanied minors seemed to function well in school and activities outside the home, but problems emerged in their home lives and emotional well-being. Those in group homes or foster care with other Sudanese fared better psychologically, as they could more easily share their experiences.

22. UNHCR policy states that, "In all actions taken concerning refugee children, the human rights of the child, in particular his or her best interest, are to be given primary consideration". While in most cases this is done through a general assessment of the needs of children or groups of children of concern, there are a number of situations where UNHCR, either independently or in collaboration with Governments or NGOs, is required to make a formal individual determination of the best interests of a child. Such individual best interests determination (BID) has so far primarily been undertaken prior to decisions on durable solutions for refugee children (and in particular resettlement to a third country). BID guidelines are currently being drafted by UNHCR pursuant to the call in the Agenda for Protection for the dissemination of material on the rights of refugee children in international law, with special reference to the Convention on the Rights of the Child. These Guidelines will assist staff and partners when called upon to make a "best interests" decision for a child and will ensure a thorough assessment and a consistent approach at field level. UNHCR has drawn particular attention to the inconsistent and inadequate consideration of BID in Europe, especially in the context of returns of unaccompanied and separated girls and boys under the Dublin II Regulation or to countries of origin, or third safe countries or rejected asylum-seekers. In its general comment No. 6, the Committee on the Rights of the Child clarified that "return to the country of origin shall in principle only be arranged if such return is in the best interests of the child".

B. Military recruitment

23. Unaccompanied and separated girls and boys are at particular risk of military recruitment. UNHCR, UNICEF and NGO partners actively advocate against the military recruitment of children in all circumstances. In resolution 1612 (2005), the Security Council noted advances made for the protection of children affected by armed conflict, particularly in the areas of advocacy and the development of norms and standards, but expressed deep concern over the lack of overall progress on the ground, where parties to conflict continued to violate with impunity the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict. The Council highlighted the accountability of parties to a conflict by requesting the Secretary-General to implement a monitoring and reporting mechanism on grave violations against war-affected children and to engage in dialogue with parties to conflicts mentioned in the Secretary-General's report (S/2005/72) to the Council. It also requested the Secretary-General to assist in the development of the time-bound action plans to halt recruitment of child soldiers and other grave abuses called for in its resolution 1539 (2004). The Security Council has created a working group of all its members to review monitoring reports and progress on action plans and recommend measures to promote the protection of war-affected children.

24. It is vital to provide alternatives to joining armed groups or forces for unaccompanied and separated girls and boys. Preventive or rehabilitative measures include enrolment in formal, non-formal and vocational education, though it is disturbing to note that schools have at times been targeted for the purpose of forcibly recruiting children. Other measures include income-generating activities, family reunification, psychosocial services and recreational activities. The provision of adequate food rations and other assistance also reduces the vulnerability to recruitment of displaced and war-affected children.

25. Rehabilitation and reintegration programmes have broadened their focus to include children associated with fighting forces who are not directly involved in fighting, but who are used for sexual slavery and forced labour. Pending reunification with their families, measures for their protection and care are essential, in particular for girls who have given birth or who have become pregnant. In Liberia, a network of child protection agencies addresses issues relating to refugee, internally displaced and some other Liberian children, including those associated with fighting forces. UNHCR assisted UNICEF with the logistics to provide transport for 22,000 disarmed children from the disarmament and demobilization sites to the interim care centres designed to receive them for counselling and reorientation activities. The United Nations and NGO agencies, in partnership with national commissions where peace agreements have been reached, are implementing programmes aiming to prevent the recruitment and demobilize and reintegrate children associated with fighting forces in over twelve countries. Child protection agencies advocate for the release of those children during ongoing conflicts, independent of disarmament, demobilization and reintegration processes targeting adults which are dependent on negotiated peace settlements. Programmes of advocacy and dialogue are ongoing in the Philippines, Colombia and the Congo. UNICEF programmes to demobilize and reintegrate children back into their communities provide access to education and literacy, life skills, and vocational training and support for income-generation activities, including in Afghanistan, Sri

Lanka, Burundi, Côte d'Ivoire, Liberia, Sierra Leone, Somalia, Uganda, the Sudan and the Democratic Republic of the Congo.

26. Reintegration of children separated from their families through recruitment has faced constraints when children have been associated with adult disarmament, demobilization and reintegration programmes. Child protection agencies continue to maintain that programmes for children released from armed groups and forces are more effective when addressed in the framework of tracing, reunification and reintegration of separated children, rather than in the framework of a professional discharge from formal functions, as for adults. In Liberia, an independent inter-agency review is assessing the effects of providing children with the same short-term cash benefits as adults. In Angola, UNHCR collaborated with the Christian Children's Fund on its Survey on Abducted Girls, by identifying groups and ensuring that they were included in reintegration projects.

27. UNHCR has also faced constraints in monitoring child recruitment. In Thailand, UNHCR became aware of the existence of former child soldiers from Myanmar residing in and around refugee camps along the Thai-Myanmar border, through refugee status determination activities as well as through monitoring by field offices. In early 2005, UNHCR hired a consultant to further assess the nature and the extent of the problem and make recommendations, which in turn has resulted in increased inter-agency cooperation to address this issue and the establishment of a United Nations country team working group on children and armed conflict. In the Democratic Republic of the Congo, UNHCR, in close cooperation with the United Nations Organization Mission, facilitated the repatriation of children associated with Rwandan armed groups present in the Democratic Republic of the Congo. Children were then transferred to a special facility managed by the Rwanda Demobilization and Reintegration Commission and traced to family members in cooperation with ICRC. Of ongoing concern is the recruitment and rerecruitment of children, including children in some refugee camps.

C. Sexual exploitation, abuse and violence

28. Unaccompanied and separated girls and boys face a particular risk of sexual exploitation, abuse and violence since they may not have a trusted adult to protect and assist them. Furthermore, fuel and water collection present severe challenges, as do shortages in the level of material assistance. In several locations, young girls are involved in prostitution in order to provide for themselves and/or other family members. Participatory assessments have identified widespread exposure to sexual exploitation in West Africa and other areas owing to the lack of food and other material assistance.

29. As part of its overall strategy to address sexual and gender-based violence (SGBV), as described in its publication *Sexual and Gender-based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response* (2003), UNHCR has developed specific strategies to meet the protection needs of boys and girls. UNHCR and implementing partners carry out preventive measures, such as awareness-raising, providing alternative income-generating activities and supporting girls in continuing their education or vocational

training, and support response mechanisms like health care, psychosocial support, legal redress and measures to ensure the safety of the victim/survivor.

30. The Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises completed its work in June 2004, clarifying minimum standards of behaviour for personnel in the area of sexual exploitation and abuse and producing a number of tools and guidelines for field-level implementation. Secretary-General's Bulletin ST/SGB/2003/13, entitled "Special measures for protection from sexual exploitation and sexual abuse", promulgated minimum standards for all United Nations staff in this regard.

31. In 2004, all UNHCR managers were instructed to convene refresher sessions on the UNHCR Code of Conduct and to engage the active participation of all staff serving in field offices and at Headquarters.

32. Regional training and country-level workshops on SGBV, during which the special risks faced by unaccompanied and separated refugee children were addressed, were conducted throughout the world. Following regional training courses in Southern Africa, monitoring missions were conducted in a number of countries in the region. Plans of action have been formulated with relevant partners and standard operating procedures developed for improving SGBV prevention and response. Identifying refugees with specific protection needs, such as unaccompanied and separated children, is one of the priority areas in all SGBV and related activities. UNHCR is also intensifying its efforts to engage children in participatory assessments and to ensure that their views and concerns are integrated into UNHCR programming. A project based on direct participation of children was implemented in Angola, South Africa and Zambia, during which refugee/returnee children discussed the causes, forms, coping strategies and impacts of violence, and offered their suggestions for prevention and response.

D. Education

33. Education is a fundamental catalyst for achieving durable solutions for children and plays a crucial role in the prevention of cycles of conflict and in rebuilding the community. From the onset of displacement, education and recreational activities provide children with a sense of normality. Moreover, it is a protection tool for girls and boys, essential to prevent various forms of abuses and exploitation, and their involvement in illegal activities. In addition, education is particularly important for unaccompanied and separated children as a means of empowerment in the absence of parental care and protection.

34. Specific measures to integrate and support unaccompanied and separated children into schools and other learning programmes are being undertaken to prevent them from being exposed to further protection risks, and to facilitate their early identification and tracing. A teacher training programme that is currently being developed includes a component to sensitize teachers in dealing with unaccompanied and separated children issues.

35. UNHCR advocates with the Governments of countries of asylum for the provision of birth certificates to ensure the integration of children in national schools, and recognition of the school certificates in the children's countries of

origin. Such interventions are particularly important for unaccompanied and separated children, as they do not have parents to represent and support them.

36. In line with the Millennium Development Goals, UNHCR has continued to promote equal access to education for refugee girls. Some country operations have put in place special initiatives for retaining girls in school, as the number of dropouts after the first years of schooling is still high. Several projects were funded in 2004 to increase girls' enrolment and retention in selected countries where the proportion of girls in school is still low. These projects considered the root causes of the problems of enrolment and retention of girls through a community-based approach, including by addressing the issue of unaccompanied and separated girls, who are at higher risk of dropping out owing to such issues as domestic responsibilities, early marriage and cultural beliefs.

37. There is an acute need to target more educational programmes at adolescents and youth. Unaccompanied and separated adolescents are doubly marginalized: firstly, they are in a difficult situation because they are unaccompanied or separated and secondly, post-primary education opportunities are limited. The NGO Refugee Education Trust (RET) works with UNHCR to promote the right of adolescents to education, through advocacy and fund-raising. RET undertook a number of new initiatives in 2004, such as summer classes in Pakistan, a community-based programme for secondary education in the Congo, and projects in South Africa, South America and Guinea.

38. In European countries, access to primary education is guaranteed under national legislation, but variations exist in access to secondary and tertiary education and to vocational training of adolescents. In countries with recent and emerging asylum systems, the access to education by asylum-seeking, refugee and internally displaced girls and boys is affected at the refugee status determination procedure stage by frequent relocations, lack of local language tuition or legal status in the country of asylum, and in some cases by poverty (quality of education; availability of textbooks and uniforms). UNHCR is actively advocating for school registration and attendance of refugee and internally displaced girls and boys, especially in the Balkans and in countries of the former Soviet Union, and provides material support such as school books and tuition fees.

39. The UNHCR Peace Education and Conflict Resolution Programme is implemented in communities and in schools with the objective of providing teachers with constructive ways of dealing with conflicts and violence in school, including through classroom management skills and basic knowledge of developmental psychology. Importantly, peace education plays a role in trying to ensure that no child is discriminated against or stigmatized. The Programme currently operates in Eritrea, Ethiopia, Côte d'Ivoire, Ghana, Guinea, Kenya, Liberia and Sierra Leone.

E. Specific protection concerns of unaccompanied and separated adolescent girls and boys

40. As interventions tend to focus on younger children, adolescent girls and boys are often neglected in planning and programming. Even though their responsibilities in the family and the community have increased, their views are not sought or taken into account and their capacities to provide solutions are often overlooked.

41. School enrolment can keep adolescent girls and boys occupied and shield them from exploitative activities and abuse. Yet adolescent refugees often cannot access education. Adolescent girls are often deprived of secondary education because of early marriage, pregnancy, domestic chores and lack of family income.

42. UNHCR supports a number of activities to ensure the protection and care of adolescent girls and boys, such as non-formal education, vocational skills training, income-generating activities, the formation of youth groups, recreational activities, participation in decision-making processes, and (peer) education on life skills such as HIV/AIDS prevention and reproductive health. In Malawi, UNHCR engaged unaccompanied and separated children in sports activities in order to encourage self-sustaining activities. In addition, UNHCR worked together with foster parents to support and build on their skills to improve the quality of life for the children. In Colombia, schooling and technical training have been given to working children living on the streets of Bogotá.

43. Adolescent boys considered as adults within their own communities often leave them in order to earn an income. There are several examples, such as boys from Myanmar working in construction or on plantations in Malaysia, and Hazara boys from Afghanistan working in factories in the Islamic Republic of Iran. It is difficult to find suitable guardians for these adolescents. Foster families are seemingly more reluctant to take responsibility for boys than for girls. Therefore, in Zimbabwe, adolescents are given scholarships to boarding schools and live in group homes in camps during school holidays, while in Malaysia, Chin refugee leaders have been encouraged to send the message back to Myanmar that boys should wait to cross the border until they have reached the age of 18.

IV. Other concerns and challenges

A. Specific protection needs of unaccompanied girls and boys in care

44. In emergencies, interim care must be provided to children separated from their families until they are reunited, placed with foster parents, or other long-term care arrangements are made. Interim care may include fostering, other forms of community-based care or institutional care. All types of care must be adequately monitored.

45. Fostering is often considered the best interim solution for unaccompanied and separated refugee children; however, there are still risks that children will be neglected, abused, exploited or have other rights denied, with girls being at particular risk and deserving extra attention. As girls are kept at home more often than boys, a foster home might also have a larger impact on their lives. Another group that deserves particular attention is child-headed households, which put children in the position of having to take on parental responsibilities for their siblings. Such a situation can render the household particularly vulnerable to exploitation and abuse and can cut off access to education, recreational activities and decision-making opportunities. These households should therefore receive particular protection, support and care. In South Africa, psychosocial support has been provided to unaccompanied and separated refugee girls and boys through an art project which allows refugee children to express themselves in a non-threatening,

non-coercive environment to encourage healing from past trauma while building a peer support network.

46. In cases where reunification or foster care is not considered possible or suitable, other medium- and long-term options, such as group homes or supervised living arrangements, are needed. In Afghanistan, a women's shelter was opened in Kabul to provide assistance for unaccompanied girls from the Islamic Republic of Iran. The aim was to provide temporary shelter until such a time as they could be reunited with their families or alternative solutions found. In Quito, unaccompanied girls and boys are placed in special shelters where they receive psychological attention and support.

47. In order to optimize care arrangements such as fostering, group homes and supervised living arrangements, the children must participate and the capacity of the caregivers strengthened. In the United Republic of Tanzania, UNHCR, UNICEF and the National Social Welfare Institute conducted a training of trainers programme, bringing together refugee social workers from 10 different camps. The training focused on providing social workers with the requisite skills to enable them, in turn, to equip foster parents with the necessary skills to provide proper foster care in the refugee camps.

48. Registration figures show generally that there are more boys than girls registered as unaccompanied and separated children because girls tend to be more easily integrated into foster families before they reach the camps. Girls may be used as domestic workers and consequently not registered; they may be taken as "wives" by older men in the camps; or they may be trafficked out of the camps. The inadequate identification and consequent low registration rate of unaccompanied or separated girls may result in abuse, exploitation, early/forced marriages and early pregnancies. Identification, registration and follow-up on the well-being of refugee girls need further strengthening.

49. Care and guardianship arrangements are inadequate in many countries in Europe, with only about one third of the 42 countries having legal and practical provisions for the care and protection of unaccompanied and separated girls and boys. Ideally, such arrangements include separate reception facilities, a general prohibition on detention and officially appointed trained guardians. Specific reception facilities or restricted areas for unaccompanied and separated girls and boys in adult reception centres, common in the EU countries, have recently been established in the new EU member States. UNHCR is concerned at the high number of unaccompanied and separated children who disappear from reception facilities or during the asylum procedure. It is assumed that most girls and boys are secondary movers and leave the country of asylum for another country in an attempt to join their family or relatives or in search of better protection. A Dutch NGO has estimated that up to 30 per cent of these disappearances could be related to human trafficking, while the Special Rapporteur on the human rights of migrants has expressed concern about the alleged ill-treatment of minors in reception centres in Spain.[5] UNHCR, with its limited presence and operational capacity in Europe, works with governmental and non-governmental partners to monitor reception conditions and advocate for improved standards. UNHCR offices in Hungary, Greece and Turkey provide guidance by establishing standard operating procedures for unaccompanied and separated children, child-sensitive checklists and training for reception centre personnel and refugee status determination authorities. In

several countries where guardianship arrangements are developing, UNHCR has contracted NGOs to arrange for the care and guardianship of unaccompanied and separated children.

B. Trafficking

50. Every year untold numbers of children are trafficked, sometimes with the complicity of their parents or caregivers, into situations of exploitation, including prostitution, irregular adoption, domestic servitude and forced labour. Unaccompanied and separated children, especially girls, are particularly vulnerable to trafficking. Collaboration between States, United Nations agencies, NGOs and child rights advocates is key to ensuring that human rights concerns underpin international efforts to combat trafficking and respond to the needs of victims.

51. The Agenda for Protection commits UNHCR to engage in efforts to strengthen the international fight against both smuggling and trafficking. Within UNHCR, steps have been taken at policy and operational levels to fulfil this objective. Work with States to ensure that their asylum processes are open to receiving claims from individual trafficked persons, especially women and girls who can base their claim of asylum on grounds that are not manifestly unfounded, has been one area of activity. In addition, UNHCR, in conjunction with partners, is exploring the convening of an expert meeting on the protection needs of trafficked children.

52. The Geneva-based Intergovernmental Organization IGO Contact Group on Human Trafficking and Migrant Smuggling has played an important role in fostering inter-agency cooperation, allowing UNHCR and United Nations partners, including UNICEF, the International Labour Organization, OHCHR and the United Nations Office on Drugs and Crime, to work alongside other key actors such as the International Organization for Migration, the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and NGOs, sharing expertise and developing strategic responses to trafficking. The promotion of the human rights of victims, as articulated in the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1), is basic to all initiatives pursued by the IGO Contact Group.

53. In the context of the specific rights and needs of child victims of trafficking, including unaccompanied and separated children, the IGO Contact Group has proved to be an effective forum for consolidating inter-agency support for, inter alia, the UNICEF Guidelines for Protection of the Rights of Children Victims of Trafficking in Southeastern Europe of 2003; the *Human Trafficking Resource Package* published by the Department of Peacekeeping Operations of the Secretariat in 2004; the OSCE Action Plan to Combat Trafficking in Human Beings, adopted in 2003 and revised in 2005, including its addendum addressing the special needs of child victims of trafficking for protection and assistance; the Council of Europe Convention on Action against Trafficking in Human Beings adopted in May 2005; and numerous country-specific projects.

54. UNHCR and other IGO partner organizations regularly provide advice and practical assistance to the Commission on Human Rights on the human rights of child victims of trafficking, notably to the Special Rapporteurs on trafficking in persons, especially women and children; on the sale of children, child prostitution and child pornography; and on the human rights of migrants.

C. Internally displaced girls and boys

55. Internally displaced children separated from their families often face extremely precarious situations. The Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), which provide the framework for the inter-agency response to internally displaced persons, pay special attention to the needs of internally displaced girls and boys. In 2004, IASC endorsed a new set of guidelines entitled, *Implementing the Collaborative Response to Situations of Internal Displacement* (September 2004), which will be a valuable asset for humanitarian and/or resident coordinators and agencies alike.

56. The continuing insecurity and massive displacement in the Darfur region of the Sudan makes it one of the most difficult protection environments anywhere. With international awareness focused on the continuing problems of sexual violence and rape facing women and girls among the displaced populations, less attention is being given to the plight and protection of children, including separated children. Sufficient resources are not available to address the protection concerns of girls and boys.

57. In Colombia, UNHCR continued its efforts to raise awareness of the plight of women and children affected by armed conflict and displacement. The main risk for children and youth in their place of origin, as well as during displacement, is forced recruitment. In urban areas, displaced families usually settle in marginalized areas where common crime, gangs and drug traffickers represent additional risks. Young girls may fall into prostitution and risk being trafficked. UNICEF, UNHCR, Government institutions and a wide range of civil society actors are involved in a variety of programmes to protect the rights and address the needs of these children.

58. Access to education, birth registration and citizenship are among the issues relating to internally displaced girls and boys in Europe, including the North Caucasus and Balkan countries. UNHCR is addressing these in cooperation with other United Nations agencies and NGOs. For example, Roma and Chechen internally displaced children are assisted by provision of textbooks and clothing so they can attend school, and psychosocial counselling is given to traumatized girls and boys.

D. HIV and AIDS

59. Unaccompanied children, orphans and other children affected by HIV and AIDS may experience economic hardship and psychosocial distress, suffer from increased malnutrition and illness, and may drop out of school more frequently than other children. These factors are compounded among refugee children who have often fled from war, and may have lost one or both parents or been sexually exploited or violated. The UNHCR Strategic Plan on HIV and AIDS for 2005-2007 contains 10 objectives focused specifically on unaccompanied children, orphans and other children affected by HIV and AIDS; the importance of early identification of children made vulnerable owing to HIV and AIDS is considered critical in order to provide necessary support, initiate family tracing and family reunification processes, and to work towards an appropriate durable solution.

E. Building networks and partnerships

60. The UNHCR network of Senior Regional Advisers for Refugee Children in Africa and Europe continued to promote the rights of unaccompanied and separated refugee children and a rights-based approach to programming, notably through collaborative efforts on ARC and regional and national child protection networks involving UNICEF, OHCHR and child protection NGOs.

61. UNHCR, UNICEF, ICRC, IRC, Save the Children UK and World Vision International continued to participate in the Inter-Agency Working Group on Separated Children, which developed the *Inter-agency Guiding Principles on Unaccompanied and Separated Children*, thereby committing major child protection agencies to a common policy. The *Guiding Principles* were widely distributed after their publication in 2004 and have strengthened collaboration at regional and country level. Another outcome of this inter-agency collaboration was the Registration Form for Unaccompanied and Separated Children, which promotes a harmonized and comprehensive approach to the gathering of registration information for unaccompanied and separated children to be used globally. The form has been included in the *UNHCR Handbook for Registration* (2003). In the immediate aftermath of the December 2004 Indian Ocean tsunami, the same inter-agency group drafted brief Guiding Principles on Unaccompanied and Separated Children in the Tsunami-affected Countries and Psychosocial Care and Protection of Tsunami Affected Children: Guiding Principles.

62. UNHCR has an observer role in regular meetings and thematic discussions of the NGO Subgroup on Children in Armed Conflict and Displacement, which includes consideration of the protection and assistance concerns of unaccompanied and separated children. The Subgroup serves as an important body for information-sharing and discussion of policy issues.

63. Under the existing standby agreements with Save the Children Norway and Sweden, Community Services and Child Protection Officers were deployed to UNHCR emergency operations. These deployments strengthened UNHCR's capacity to address the protection and care of refugee children, in particular those of unaccompanied and separated children.

F. Registration

64. Unaccompanied and separated girls and boys must be quickly identified, registered and documented. Registration is an essential part of the humanitarian response in any refugee context. It is an important tool for protection against forcible recruitment, protection of access to basic rights, family reunification of refugees and identification of those in need of special assistance, and to implement appropriate durable solutions.[6] The Agenda for Protection specifically recommends the use of registration data to identify and make specific assistance and protection arrangements for unaccompanied and separated children.

65. Positive developments were noted during the reporting period, including in several African countries. In 2004, ICRC fully resumed its tracing and family reunion functions for unaccompanied girls and boys in western United Republic of Tanzania. ICRC has developed its capacity in the region to fulfil the complete process of registration and follow-up, with cooperation from UNHCR, UNICEF and

NGO partners. In Angola, UNHCR and UNICEF worked closely with Government partners to provide special programmes for returnee children in the areas of birth registration, vaccinations and family tracing.

66. The standards and processes described in the *UNHCR Handbook for Registration* formed the basis of a new software database to record and manage registration information. Development of this software (ProGres) began in December 2003. UNHCR piloted the new application in 2004 and is currently rolling it out to UNHCR offices. The new database system focuses on individual registration while still allowing UNHCR protection and programme staff to work with case and household groups. It contains a Specific Needs section with broad categories, including separated and unaccompanied children, that allow UNHCR to aggregate statistics consistently worldwide and to collect much more detailed information. Under the category "Separated and unaccompanied children" are the subcategories of "Separated child", "Unaccompanied child", "Child in foster care", "Child in institutional care" and "Neglected child with extended family".

67. Although identification of unaccompanied and separated girls and boys is essential for protection and assistance planning, the statistics and data available for industrialized countries are limited and often incomplete or not comparable owing to differences in age limits, age assessments and unsystematic updating of the data through the different stages of asylum process. Even less data are available on the sex and age of separated children than on their numbers and countries of origin. Data that are broken down by sex are available for only half of the 42 countries of Europe. These data suggest that the majority of the unaccompanied and separated children are male (72 per cent). Among the 11 European countries with comparable data, one third of the children are younger than 15 years of age.[7]

G. Detention

68. Unaccompanied and separated children should never be detained for reasons related to their immigration status. However, children continued to be detained in immigration detention centres and prisons in several countries throughout 2003 and 2004. Children in detention are part of the groups-at-risk which were regularly brought to the attention of authorities for release by UNHCR. Where asylum-seekers were detained in a manner inconsistent with UNHCR Executive Committee conclusions, UNHCR sought to monitor detention facilities, secure access to legal advice for those detained and promote alternatives to detention. However, release is often only secured when confirmation of resettlement of the minor or the family has been obtained. In several countries, girls and boys who are subject to accelerated asylum procedures and return/deportation to another country of asylum or to their country of origin are usually detained. Detention of undocumented asylum-seekers, regardless of their age, is a practice in a number of European countries. Australia received a communication from the Special Rapporteur on the human rights of migrants regarding the situation of unaccompanied children in mandatory immigration detention in that country (see E/CN.4/2005/85/Add.1, paras. 1-8).

H. Follow-up to evaluations

69. Following three independent evaluations on refugee women, refugee children and the role of community services,[8] UNHCR launched an age and gender-mainstreaming pilot project in early 2004. To date, 16 country assessments followed by capacity-building and planning workshops have been conducted.

70. In the first quarter of 2005, the pilot methodology was evaluated independently to review its validity from a field perspective and to identify lessons learned.[9] Based on the findings of this evaluation and through partner and in-house consultations, a revised strategy for mainstreaming age, gender and diversity in operations, with greater attention to diversity, has been developed to address the shortcomings of the pilot.

71. The overall goal of age, gender and diversity mainstreaming is to promote gender equality and the rights of all refugees of all ages, and to take into account the diversity within groups of concern to UNHCR. Unaccompanied and separated boys and girls will benefit from the strategy by participating in assessments and voicing their ideas and solutions to issues concerning themselves. Their right to participate in decisions on matters that affect their lives is enshrined in human rights instruments and UNHCR policy and guidelines, in particular the Agenda for Protection. The participation from the outset of unaccompanied and separated girls and boys in the definition of problems and the design of programmes for their benefit is crucial to serving, assisting and protecting them and ensuring an effective operation.

V. Conclusion

72. **The past two years have seen a strengthening of efforts and progress in addressing the protection of and assistance to unaccompanied and separated refugee children. Cooperation continued to be enhanced among United Nations agencies and with other partners, in particular ICRC, NGOs and Government counterparts, largely as a result of the elaboration of common goals and principles in 2003-2004. Age and gender mainstreaming by UNHCR has also contributed to improved cooperation between UNHCR and its partners and subsequently enhanced protection and assistance. It also increased participation by people of concern to UNHCR, including children. Other positive developments were the development of staff capacity through training activities, workshops and deployments of child protection staff; increased ratifications of the two Optional Protocols to the Convention on the Rights of the Child; the adoption of Security Council resolution 1612 (2005) with its focus on accountability; and the application of new registration software.**

73. **However, serious challenges remain and hamper protecting and safeguarding the rights of refugee children, including unaccompanied and separated children: lack of accountability for violations; security concerns for both refugees and staff; insufficient human and financial resources; discrimination towards girls; and, in some instances, lack of political will by States to implement or comply with international norms and standards. The specific protection and assistance needs of adolescents are still not receiving**

adequate attention. This not only puts them at risk of exploitative activities and abuse, but it also does not allow them to build a future.

74. **States that have not yet ratified or implemented the two Optional Protocols to the Convention are urged to do so and to comply with international norms and standards relating to children. States and other stakeholders in civil society are encouraged to ensure that adequate resources are provided to allow girls and boys to enjoy their rights, such as the right to education, and to prevent the risk of being (sexually) exploited or abused, being recruited into armed groups or forces, or trafficked.**

75. **Finally, the need remains for a clearer understanding of what constitutes an effective child protection system and accountability for it, as well as for enhanced and more sustained attention on the part of all actors to more adequate and effective identification, registration, tracing and family reunification of unaccompanied girls and boys. In addition, the follow-up and monitoring of all children-in-care arrangements require strengthening to avoid abuse, neglect and denial of other rights. This can only be achieved through continued inter-agency cooperation, States assuming their responsibility, and the meaningful participation of refugee girls, boys, men and women of all ages and backgrounds.**

Notes

[1] General Assembly resolution 54/263, annexes I and II.

[2] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 12A* (A/57/12/Add.1), annex IV.

[3] See the UNHCR website at www.unhcr.ch.

[4] See www.separated-children-europe-programme.org.

[5] See E/CN.4/2005/85, para. 46 and E/CN.4/2005/85/Add.1, paras. 211-256.

[6] Executive Committee Conclusion on registration of refugees and asylum-seekers (No. 91 (LII)-2001), October 2001.

[7] UNHCR, Trends in separated and unaccompanied children seeking asylum in industrialized countries, 2001-2003, Geneva, July 2004, p. 7.

[8] *Meeting the rights and protection needs of children*, Valid International (Geneva, UNHCR, May 2002, EPAU/2002/02); *UNHCR Policy on Refugee Women and Guidelines on Their Protection: An Assessment of Ten Years of Implementation*, Women's Commission for Refugee Women and Children (New York, May 2002); *The community services function in UNHCR: an independent evaluation*, CASA Consulting (Geneva, UNHCR, March 2003, EPAU/2003/02).

[9] *UNHCR's age and gender mainstreaming pilot project 2004: Synthesis report* (Geneva, UNHCR, April 2005, EPAU/2005/03).